

## REMARKS / ARGUMENTS

### Disposition of the Claims

The present response is intended to be a full and complete response to the Office Action mailed June 22, 2009. Claims 7 to 20 are pending in the present application. Applicants respectfully request continued examination and allowance of all pending claims.

### Amendments to the Claims

Claims 7 to 10 have been amended to correct § 112 issues. Claims 7 and 12 were further amended to place them in line with U.S. patent practice, including the deletion of the “preferable” clause in claim 12 which has now been added as newly added claim 13. In addition, claims 14 to 20 have been added. Claims 14 and 18 were added to capture the content of the clause that was deleted from claim 7 to overcome one of the § 112 issues. Claims 15 to 17 were added to include additional dependent claim options. Claims 19 and 20 were added to claim more narrow embodiments of the present invention. Applicants respectfully request entry of the noted amendments.

### 35 U.S.C. § 112, Second Paragraph Rejection

The Examiner rejects claims 7 to 11 under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed with regard to claims 7 to 11, as amended.

The Examiner indicates that the phrase “operating of crosslinking a coating, such as an ink or varnish coating” in claim 7, lines 1 to 2, is unclear. Claim 7 has been amended to delete the phrase “, such as an ink or varnish coating”.

The Examiner indicates that the use of the term “it” in claim 7, line 6, is unclear. Claim 7 has been amended to replace the phrase “which is characterized in that it” with the phrase “wherein the installation”.

The Examiner indicates that the use of the term “it” in claims 8 and 9 is unclear. Claims 8 and 9 have been amended to replace the term “it” with the phrase “the installation”.

The Examiner indicates that in claim 10, lines 1 to 4, the inclusion of the section “The installation of claim 7, wherein said entry device includes at least the following five components, seen in succession by the running product to be treated: a channel, a first gas injection slot...” is unclear because claim 7, lines 6 to 8 already has the limitation “an entry device adjacent the chamber and comprising at least the following three components, seen in succession by the running product to be treated: a labyrinth system, means for injecting an inert gas forming a gas knife,...” In order to clarify the claim, claim 10 has been amended to indicate that in addition to the labyrinth system, means for injecting an inert gas forming a gas knife, and channel of the entry device, the entry device further includes an additional means for injecting an inert gas and additional channel and that these five components are in the succession noted.

Applicants maintain that claims 7 to 11 are no longer indefinite in view of the amendments made to the claims. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 112, second paragraph, rejection in view of the above noted amendments.

### **35 U.S.C. § 102(b) Rejection**

The Examiner rejects claims 7 to 9 and 11 under 35 U.S.C. § 102(b) as being anticipated by Cocolios et al., U.S. Patent No. 6,458,330 (hereinafter “Cocolios”). This rejection is respectfully traversed with regard to claims 7 to 9 and 11, as amended, and newly added claims 14 and 19.

Applicant maintains that claims 7 to 9 and 11, as amended, and newly added claims 14 and 19, are patentable over Cocolios as Cocolios describes a succession of means seen by the substrate that is reverse from that presently claimed.

In the embodiment of the present invention as set forth in claim 7, it is clearly noted that the entry device adjacent the chamber comprises at least the following three components, seen in succession by the running product (substrate) to be treated: a labyrinth system, means for injecting an inert gas forming a gas knife, and a channel. Accordingly, the components must be in the order noted.

As noted by Applicants in the present application when referencing WO 02/040738 (the corresponding PCT application for Cocolios), Cocolios describes an apparatus with an entry device that consists of three components positioned in series and seen in succession by the treated substrate, namely a channel, a gas injection slot and a labyrinth.

The present invention differs from Cocolios in that in the present invention includes an entry device that comprises at least the following three components, seen in succession by the running product to be treated: a labyrinth system, means for injecting an inert gas forming a gas knife, and a channel. A side by side comparison of the two installations clearly reveals differences in the two inventions with regard to the route taken by the product to be treated as it passes through the entry device:

| <u>Present Invention</u>  | <u>Cocolios</u>                     |
|---|-------------------------------------|
| Entry device comprises:   | Entry device comprises:             |
| 1) a labyrinth system followed by                                     | 1) a channel followed by            |
| 2) a means for injecting an inert gas forming a gas knife followed by | 2) a gas injection slot followed by |
| 3) a channel  | 3) a labyrinth                      |

In other words, a substrate passing through the present invention would first come in contact with the labyrinth followed by the means for injecting an inert gas followed by the channel compared to the invention of Cocolios which describes a substrate passing through the channel followed by the gas injection slot followed by the labyrinth. As noted in the present application on page 8, lines 14 to 16, substantial modifications to Cocolios were carried out to achieve the present invention in order to overcome technical problems associated with the use of the invention of Cocolios.

In view of the above, Applicants maintain that 7 to 9 and 11, as amended, and newly added claims 14 and 19 are not anticipated by Cocolios and therefore respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection.

### 35 U.S.C. § 103(a) Rejection

The Examiner rejects Claims 7 to 9 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Turnbull et al., U.S. Patent No. 3,931,684 (hereinafter "Turnbull") in view of Cocolios. This rejection is respectfully traversed with regard to claims 7 to 9 and 11, as amended, and newly added claims 14 and 19.

The Examiner states that Turnbull teaches a curing chamber by radiation or electron beam but goes on to state that Turnbull does not teach an installation comprising a chamber having UV radiation or a source of accelerated electrons and the three components (labyrinth system, means for injection of an inert gas and a channel) in succession by the running product as claimed by Applicant. The Examiner relies upon Cocolios for the deficiencies of Turnbull stating that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a curing chamber with UV radiation or a source of accelerated electrons to cure the coated substrate" and that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the three components in Turnbull et al to improve installation of a chamber and to control over the treatment of gaseous atmosphere inside the chamber as taught by Cocolios et al". Applicants respectfully disagree.

Applicants do agree with the Examiner that Turnbull teaches a curing chamber by radiation or electron beam but that Turnbull does not teach an installation comprising a chamber having UV radiation or a source of accelerated electrons and the three components (labyrinth system, means for injection of an inert gas and a channel) in succession by the running product as claimed by Applicant. The Examiner relies upon Cocolios to overcome the deficiencies of Turnbull. Applicants maintain that Cocolios does not overcome the deficiencies of Turnbull though as Cocolios teaches against the present invention since Cocolios teaches that the three components in the entry device are in succession with regard to the running product in a manner that is completely opposite to that claimed by Applicants. More specifically, Applicants claim a succession of a labyrinth system, a means for injection of an inert gas and a channel compared to the teachings of Cocolios which teach a succession that is the reverse of that claimed by Applicants.

The initial burden of presenting a prima facie case of obviousness lies with the Examiner. See, *Ex Parte DuBois*, Appeal No. 2009-001593, slip op. at 3 (BPAI June 2009)(quoting *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)). In order to establish a prima facie case of obviousness, the Examiner must show that each and every limitation of the claim is described or suggested by the prior art or would have been obvious based on the knowledge of those of ordinary skill in the art. Id., slip op. at 3 – 4, (quoting *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988)). “When considering claims for obviousness, ‘the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill.’” See, *Ex parte Von Rheinbaben et al.*, Appeal No. 2009-000837, slip op. at 13 (BPAI June 2009)(quoting *In re Hedges*, 783 F.2d 1038, 1041 (Fed. Cir. 1986)).

Accordingly, as Cocolios teaches a completely different succession, Applicants maintain that one skilled in the art, considering Turnbull in view of Cocolios would not arrive at the present invention but would instead arrive at an installation in which the entry device includes components in the succession taught by Cocolios—a channel followed by a gas injection slot followed by a labyrinth.

In view of the above, Applicants maintain that claims 7 to 9 and 11, as amended, and newly added claims 14 and 19 are clearly patentable over Turnbull in view of Cocolios. Accordingly, Applicants respectfully request that the rejection of claims 7 to 9 and 11, as amended, and newly added claims 14 to 19 under 35 U.S.C. § 103(a) be withdrawn.

### **Additional Comments**

Applicants note that the only rejection with regard to claim 10 is the § 112, second paragraph, rejection. Accordingly, Applicants maintain that the amendment to claim 10 overcomes the § 112, second paragraph, rejection, and that claim 10 is now in condition for allowance. In addition, as claims 15 to 18 depend upon claim 10 and claim 20 is a more narrow version of claim 10, Applicants maintain that claims 15 to 18 and 20 are also in condition for allowance. It appears from the record that there was no rejection of claim 12 even though there was no indication from the Examiner that claim 12 is allowable.

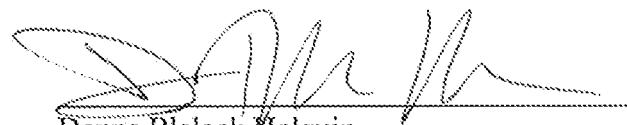
Accordingly, Applicants maintain that claim 12 and claim 13, which depends from claim 12, are also each in condition for allowance. Applicants respectfully request that the Examiner indicate such allowance.

## CONCLUSION

In view of the above, Applicants maintain that the pending claims are now in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the present application, the Examiner is invited to call the undersigned attorney at the number listed below.

Applicants do not believe that any fee other than the one month extension fee noted on page one of this response is due at this time. However, in the event that any additional fees are due, the Commissioner is authorized to debit deposit account number 01-1375 for the amount due.

Respectfully submitted,



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